

EXHIBIT F

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,
Post-Confirmation Debtor.

Lead: 12-23616-rdd
AP: 21-07023
White Plains, New York
April 5, 2022
10:17 a.m. - 2:35 p.m.

AP: 21-07023-RDD
CONGREGANTS OF MOSDOS CHOFETZ CHAIM, INC. VS.
MOSDOS CHOFETZ CHAIM INC. ET AL

- CONTINUANCE OF HEARING FROM APRIL 4, 2022
- SECOND MOTION FOR SANCTIONS (WITH HEARING DATE INSERTED) FILED BY MICHAEL LEVINE ON BEHALF OF CHOFETZ CHAIM INC. WITH HEARING TO BE HELD ON 12/2/21 AT 09:30 AM AT VIDEOCONFERENCE (ZOOMGOV) (RDD); RESPONSES DUE BY 11/26/21, (ATTACHMENTS: #1 PLEADING HENOKH ZAKS DECLARATION, #2 EXHIBIT 1, ENFORCEMENT ORDER NO. 1, #3 EXHIBIT 2, NOTICE OF ENFORCEMENT ORDER, #4 EXHIBIT 3, AFFIDAVITS OF SERVICE OF NOTICE AND ENFORCEMENT ORDER, #5 EXHIBIT 4, ORIENTATION PHOTO, #6 EXHIBIT 5, TEXT MESSAGE, #7 EXHIBIT 6, ARON ZAKS PHOTOS, #8 EXHIBIT 7, MAYER ZAKS PHOTOS, #9 EXHIBIT 8, SHIMON/ARON ZAKS PHOTOS, #10 EXHIBIT 9, HENOKH ZAKS PHOTOS, #11 EXHIBIT 10, US MARSHAL WEBSITE PRINTOUT) (ECF #136)

RELATED DOCUMENTS:

- SECOND MOTION FOR SANCTIONS TO ENFORCE PRIOR INJUNCTION FILED BY MICHAEL LEVINE ON BEHALF OF CHOFETZ CHAIM INC., (ATTACHMENTS: #1 PLEADING HENOKH ZAKS DECLARATION, #2 EXHIBIT 1, ENFORCEMENT ORDER NO. 1, #3 EXHIBIT 2, NOTICE OF ENFORCEMENT ORDER, #4 EXHIBIT 3, AFFIDAVITS OF SERVICE OF NOTICE AND ENFORCEMENT ORDER, #5 EXHIBIT 4, ORIENTATION PHOTO, #6 EXHIBIT 5, TEXT MESSAGE, #7 EXHIBIT 6, ARON ZAKS PHOTOS, #8 EXHIBIT 7, MAYER ZAKS PHOTOS, #9 EXHIBIT 8, SHIMON/ARON ZAKS PHOTOS, #10 EXHIBIT 9, HENOKH ZAKS PHOTOS, #11 EXHIBIT 10, US MARSHAL WEBSITE PRINTOUT) (ECF #134)
- CERTIFICATE OF SERVICE OF SECOND MOTION FOR SANCTIONS (WITH HEARING DATE AFFIXED) (RELATED DOC 136) FILED BY MICHAEL LEVINE ON BEHALF OF CHOFETZ CHAIM INC. (ECF #137)
- LETTER ADVISING COURT OF DISTRICT COURT'S AFFIRMANCE OF INJUNCTION ORDERS FILED BY MICHAEL LEVINE ON BEHALF OF CHOFETZ CHAIM INC. (ATTACHMENT: EXHIBIT, DISTRICT COURT ORDER AFFIRMING INJUNCTION ORDERS) (ECF #160)
- TRANSCRIPT REGARDING HEARING HELD ON 03/04/22 AT 10:00 A.M. RE NOTICE OF ADJOURNMENT OF HEARING ON SECOND ENFORCEMENT MOTION AND REQUEST FOR RETROACTIVE USE AND OCCUPANCY (RELATED DOC 136) FILED BY MICHAEL LEVINE ON BEHALF OF CHOFETZ CHAIM INC. WITH HEARING TO BE HELD ON 3/4/22 AT 10:00 AM AT VIDEOCONFERENCE (ZOOMGOV) (RDD) ETC.

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1 they are currently doing, could stay at their parent's house as
2 far as Shimon Zaks is concerned. Namely, the house at 14
3 Cloverdale Lane, as opposed to at the parent's property on the
4 CRDI property, Units 1 and 3.

5 Mr. Brody and the Hochman's, it is clear, each had
6 separate residential properties off of the CRDI property that
7 they owned and that they transferred, shortly after it became
8 apparent that they faced potential material financial liability
9 in this matter. One of the facts that § 273 of the New York
10 Debtor Credit Law instructs courts to consider when deciding
11 whether there's been an intentional fraudulent transfer as to
12 present and future creditors.

13 Mr. Brody also testified that his brother has a
14 residence in the area where he has moved substantial property
15 from his property at the CRDI property where he and his wife
16 apparently keep their cars, and where he seems to have cleaned
17 out substantial amounts of stuff, which photographs show appear
18 in many large trash bags outside the garage, at least consistent
19 with more than just taking out the ordinary trash, but rather
20 preparing a property for being moved into.

21 Rabbi Mayer Zaks has a very large house at 14
22 Cloverdale Lane that he occupies primarily, except for on
23 weekends. He testified that at times he is put up whole
24 families in the large house, which has somewhere between 10 and
25 12 bedrooms and multiple bathrooms. It certainly is within the

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1 realm of possibility that not only Shimon Zaks, his wife and
2 son, but also, if in fact, I'm wrong about Mr. Brody's ability
3 to move into his brother's house, Mr. Brody and his family,
4 albeit that it's a large one, could move into and occupy at
5 least until they could find a new residence. I will note that
6 Mr. Brody testified to where he is living now is either a four-
7 or five-bedroom house, depending on whether you count the 5th
8 bedroom as a townhouse bedroom or a study, and that's with his
9 ten children.

10 I do not believe that the evidence shows that it is
11 impossible to find an acceptable residence off of the CRDI
12 property. One basis for the contention is that while the
13 respondents don't worship anymore at the CCI synagogue property,
14 they do worship nearby, and the Cloverdale property and the
15 other properties are roughly an hour's walk away from where they
16 are worshiping now. But there really was no testimony that they
17 couldn't worship somewhere else. And in fact, there was
18 testimony that they worshiped at various places. Nor do I
19 accept that the relative shortage of apartments in the area
20 creates a situation where it's impossible to find a place to
21 live. Especially for people who have recently sold, in the face
22 of the prior injunction leading up to the September order,
23 residential properties for large profits in hundreds of
24 thousands of dollars.

25 So, I find and conclude hat the movants have